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HUMANITY
AND
HUMANITARIANISM.

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HUMANITY AND HUMANITARIANISM.

WITH SPECIAL REFERENCE TO

THE PRISON SYSTEMS OF GREAT BRITAIN
AND THE UNITED STATES,
THE QUESTION OF CRIMINAL LUNACY,
AND
CAPITAL PUNISHMENT.

BY

WILLIAM TALLACK.



"Circumstances make guilt. Let us endeavour to correct the circumstances before
we rail against the guilt."—*Lord Lytton.*

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THE writer, having been invited by the NEW YORK PRISON ASSOCIATION to prepare a paper for a Meeting of American Prison Officers and persons interested in criminal treatment, has endeavoured to present in a handy form some of the most important facts and considerations suggestive of the value of a system removed from the mischievous extremes of either morbid leniency or inconsiderate severity.—HOWARD ASSOCIATION, LONDON.

THE HOWARD ASSOCIATION was instituted (under the patronage of the late Lord Brougham) for the promotion of the best methods of Penal Treatment and Crime Prevention. Treasurer, R. N. Fowler, Esq., M.P.; Secretary, William Tallack; Office, 5, Bishopsgate Street Without, London, E.C.

HUMANITY AND HUMANITARIANISM.

REFORMATORY INDUSTRIAL TREATMENT.

THERE are two opposite extremes, each mischievous to all parties concerned, towards which systems of criminal treatment are in turn liable to tend. Either, with a narrow heedlessness of the causes of crime, they are apt to aim at mere vindictive chastisement, almost always proved by the results to be ineffectual, even for deterrence; or, with humane intentions, they permit such relaxations of needful stringency as to render the condition of the criminal more comfortable and desirable than that of the honest toiling poor, and so to increase, rather than decrease, the ranks of offenders.

Hence, notwithstanding the progress of the age in many important movements, there has been comparatively little sustained adoption of a system combining, effectually, deterrence with reformation, by making it the basis of prison discipline to compel every offender to render both amends and *restitution*, so far as possible, to the State, or to those whom he has injured, and at the same time, by a sufficiently prolonged course of labour and instruction, to form such *habits* of industry and virtue as shall furnish to the criminal himself the education and guidance which every member of human society needs from some quarter, either private or public, but which so large a number fail to receive in time to prevent evil courses.* This twofold principle of treatment is both preventive and restora-

* "The interest of society and the interest of the convicted criminal are really identical, and they should be made practically so."—American Pamphlet.

tive, both beneficent and punitory. It combines the two Scriptural principles of retributive justice and humane consideration. It reconciles "eye for eye and tooth for tooth" with "whatsoever ye would that men should do to you, do ye even so to them." It unites the Mosaic command relative to the stealer of property—"He shall make *restitution* unto the owner thereof;" (Exodus xxii. 12), with the New Testament precepts—"Even when we were with you this we commanded you, That if any would not work, neither should he eat;" (2 Thess. iii. 10), and "Let him that stole, steal no more, but rather let him labour, working with his hands the thing which is good;" (Ephes. iv. 28.)

Crime must be rendered really *unprofitable* to the criminal. His idle habits must be effectually altered, which cannot be done by the system so prevalent in Great Britain, of causing scores of thousands of offenders to play at "bo-peep" with their jailors, by successive sentences of imprisonment for week upon week, and fortnight upon fortnight, a system which brings the law and magistracy into contempt; effects no reformation, but does great mischief by its degrading effects; affords no time for the formation, or even inculcation, of right habits; and saddles the honest ratepayer with enormous costs which are a sheer dead loss, in addition to the other injuries he has to suffer from this class of misdemeanants.* For example, in one prison, that of Dundee, by no means an extraordinarily unfavourable illustration, the official report for 1869 admitted that "No fewer than fifty-three of the prisoners had been convicted upwards of fifty times." What a failure of the present system does this prove! Even petty offenders, if *repeatedly* so (say after at most *ten* re-committals), whether drunkards or vagrants, should be confined (but not at the public expense) a sufficiently long time to *work out their own reformation and costs*.†

* The principle so often urged by Mr. M. D. Hill is a sound one—viz. that habitual criminals should not receive definite sentences, but sentences of restriction, until they have given fair proof of reformation being *really effected*.

† It has been found very advantageous in several Scotch towns to increase the sentences on *habitual* drunkards (after a number of re-committals) from a fine of 5s., or a week's imprisonment, to several months' detention. This longer period has repeatedly produced reformation by affording time to break off intemperate habits and establish sober ones.

DANGER OF UNDUE LENIENCY : ESPECIALLY IN THE UNITED STATES.

Reformation should be a primary aim of any Christian treatment of criminals. But prevention and deterrence require to be always simultaneously kept in view. The good Sir Matthew Hale used to say, "Pity is due to the criminal ; but pity is also due to the country." The United States and some of the countries on the Continent of Europe have surpassed Great Britain in the prominence and success of their efforts at reforming criminals. But in America especially, there is being manifested a tendency (which it may be feared is increasing) to pay too little regard to the requirements of social justice and the due stringency which evil-doers deserve, and by the absence of which honest men are cruelly injured. The magistrate should not "bear the sword in vain." On the other hand, in Great Britain there has been manifest too frequent a tendency to the opposite excess of severity, or rather to an exaggerated dependence on presumed deterrent agencies which are shown by experience to be not really effectual even for deterrence, whilst they are a failure altogether as to reformation.

An example will illustrate the writer's allusion to America. When he was in that country a few years ago, he visited with much interest various public institutions, which afforded interesting examples of philanthropic zeal. For instance, in the Philadelphia "House of Refuge" (for youths under 21, who have been committed to prison) there were 240 boys, and a large number of girls, in separate wings. The whole establishment was a hive of useful industry, and, so far, was most praiseworthy. It contained large, airy, and well-lighted schoolrooms, and libraries. So far, so good, again. Further, it was furnished with all appliances in the way of warming apparatus. All the floors were of wood. All the passages were carpeted. All the courts were planted with trees and flowers. The warm, bright kitchen, with its fires, ovens and gas, suggested an abundant and regular supply of excellent food. All the inmates had separate bedrooms, each, at least in the girls' wing, was *carpeted*, and adorned with pictures. The boys were supplied with clean linen twice a week. Once a week a musical *soirée* was held. The whole institution bore an aspect

of comfort approaching to luxury, which must have been a fifth heaven to many of the inmates after their previous experiences of squalor and vice. The benefits of the establishment were continued, to those who had entered it, after their discharge. Situations were carefully sought for them and a travelling agent was employed to visit them, even in the most distant States of the Union, to watch over and protect their interests. What a boon such a "Refuge" would be for the poor *virtuous* children of Philadelphia! How the honest toiling artisan at the bench, and the labourer on the wharves, must covet such a splendid "start in life" for their own children, whom, in industrious poverty, they strive to train in the right way! But how difficult and uncertain the prospects of such, compared with the lot offered to the young thieves, prostitutes, and vagrants of that magnificent Refuge! The benevolent managers of such an institution may reasonably apprehend a danger of holding out almost irresistible temptations to the honest poor to *qualify* their children for admission to its advantages by committing acts of wilful crime. In any institution of a *penal* nature the comforts require to be carefully restricted.*

It may be added that such a danger is not confined to American philanthropy. The writer has recently visited an institution for young criminals almost as comfortably furnished, in a large English town abounding in toiling honest poverty, but where very similar reflections were suggested.†

* **HARDWICKE REFORMATORY.**—The Boys' Reformatory at Hardwicke, near Gloucester, England, one of the very first of the kind, affords a good example of a medium course between undue leniency and severity. Fifty youths, under three caretakers and responsible monitors of their own body, cultivate about thirty-five acres of land and earn about £150 per annum, in addition, by assisting the neighbouring farmers. They work hard from 6 a.m. till 6 p.m., when they have two hours in school. All the household arrangements are of the most rigid simplicity, the dormitories, for example, only containing, besides bare walls, two rows of hammocks suspended from iron rails. One pound of animal food per week is allowed each youth, *but with bread and vegetables ad libitum*. "Rough fare but plenty of it. I believe in that," said the manager. "We cannot get good work out of empty bellies." More than 80 per cent. of these boys turn out well. The discipline is excellent. Attempts to escape are very rare. They are surrounded by "motives instead of walls," those motives being a scale of good marks, involving both a remission of sentences and a small sum of money, both of which would be forfeited by an attempt to escape. The same system, it may confidently be presumed, would be very successful with the better class of *adult* criminals.

† **PARENTAL RESPONSIBILITY.**—It is important to extend, *as far as possible*, the principle of making the parents of criminal children pecuniarily responsible for the cost of their *maintenance* in reformatories.

One of the very best prisons in the United States also affords an example of some approach towards the same danger. Thus its dietary in 1870 was the following :—*Monday* : breakfast of fish-hash, brown bread and coffee ; dinner of corn-beef, vegetables and brown bread ; supper of white bread and coffee. *Tuesday* : breakfast of meat-hash, brown bread and coffee ; dinner of baked beans and brown bread ; supper of white bread and coffee ; and so on through the week. Nearly seventy years ago the dietary in that prison was certainly less inviting to hungry honest outsiders, as, for example : *Monday*, one pound of bread and one quart of potatoes for the day ; *Tuesday*, one pint of Indian meal made into hasty-pudding, half a gill of molasses and a quart of soup made of ox-heads and offal. This particular prison, however, amply atones for any weakness as to the comfort of its modern dietary, by enforcing, in a most prominent degree, the great principle of Restitution, at once punitive and reformatory. It makes its inmates pay handsomely, by their labour, for all expenses of punishment, for their board and lodging, and for the salaries of the officers. In addition they earn a net profit to the State of from 24,000 dols. to 28,000 dols. per annum (upwards of £5,000). Thus, after all, an honest outsider is not likely to be very strongly tempted by the fish-hash and corn-beef, if he knows that for it he must be shut up for several years and “sweated” for the benefit of his chastisers to the extent of 220 dols. (£40) per annum.*

The noble State of Massachusetts, and its able prison governor, Mr. Haynes, may point with just pride to their

* COMPETITION.—The recent increase of useful prison industry in England has given rise to some renewed objections against the competition with free labour thus involved. But the objection is a very superficial one. It must be remembered that most criminals are ignorant of a trade, and that their special vice is laziness. Hence they not only injure the public by their outrages and robberies, often amounting to hundreds of pounds in a very short time, but the honest heavily-burdened ratepayers have, in general, to support these enemies in prison, and then to endure further plundering and repeated re-committals afterwards.

But at present the average earnings of English prisoners are only £2 10s. per annum (under 2d. a day), whilst their average cost is £37. The daily average of persons in prison, throughout England and Wales, is about twenty thousand. But as there are twenty million inhabitants, it is thus evident that even if all the prisoners were rendered entirely self-supporting, the competition would be almost infinitesimal. Then, again, even these twenty thousand

system of treatment, especially when they can say of its results :—

“Every man capable of it, learns a good trade ; one at which he can work when discharged and earn good wages. In regard to reformation, that is, the preventing them from again committing crime, *the latter has more influence than all other agencies united.*

“The evidence of the reformatory influences of this prison is to be found in the great number of discharged prisoners in this immediate vicinity holding important positions of trust, *leading honest lives*, supporting their families, and educating their children by working at the trades they learned in this prison.”

Yet there is reason to fear that, notwithstanding several of the prisons in America are unsurpassed, if not unequalled, by any in the world, some of the States have retrograded, of late years, as regards the real efficacy of their prison discipline, owing to the permission of undue laxity, and from proceeding in the direction of what may be termed unwise humanitarianism rather than genuine humanity.

Another source of encouragement to crime (both in America and Europe) is the retention of the capital penalty, which, as events show, cannot be practically carried out in upwards of 90 per cent. of cases. Hence, for want of a nominally less, but really more, punitive and certain sentence, murderers, the most dangerous of criminals, enjoy special license. Judge Brewster said at the Philadelphia Quarter Sessions last year, “Criminals take life almost with impunity.” In Great Britain the infliction of capital punishment has also become as uncertain as a lottery. About nineteen-twentieths of the murderers escape the gallows. To be sure many of these are safely shut up in really penal life-long detention as convicts, or as lunatics ; but punishment for murder would be far more certain and easy of infliction if that penalty was altogether abro-

prisoners should be distributed to different kinds of occupation. And for the few farthings of individual loss by competition, there would be many pounds of total saving to the ratepayers, in addition to the moral and religious advantages consequent upon reformatory industrial habits. Hence the objection to prison labour competition may be termed literally “penny wise and pound foolish.” It is cheering to observe that in the best English prisons, as Wakefield, Durham, Salford, York, Leeds, Holloway, Devonport, &c., greatly *increased recourse* to really useful labour is being manifested.

gated which imposes such peculiar difficulties and obstacles from its being irrevocable, and requiring many times more certain evidence than any other.

As regards criminal repression in one of the principal States of America, a gentleman of much observation, Dr. Joseph Parrish, remarks in a paper on "Professional Criminals," recently issued, "There is no real *punishment* for crime in Pennsylvania. The so-called penalties are laughed at by the recipients, and neither deter nor disqualify them from its incessant perpetration. A convict is sometimes fined; not always. Whether he invariably pays his fine may be doubted. *Certain it is that he never reimburses his victim.* This act of justice, which ought to constitute an inexorable portion of his sentence, is not so much as thought of; and when his term has expired, he returns unabashed to his profession and punishes the public deservedly for its culpable forbearance towards him. Out of some twenty thousand miscellaneous arrests in Philadelphia per annum, there are but about one thousand convictions!" He adds, "It is not too much to say that, in the United States, to be a prisoner has become a luxury; and that the career of a criminal has been rendered by the Government, safe, profitable, and even agreeable to him."^{*}

^{*} EDUCATION NOT MERE MENTAL KNOWLEDGE.—Perhaps this state of things may be in part caused by undue reliance on the efficacy of merely intellectual education, a supposition which is confirmed by the thirty-eighth annual report of the Inspectors of the State Prison of Pennsylvania (at Philadelphia), who speak of the popular system as "the education which is miscalled, most decidedly miscalled," inasmuch as "our youth are becoming less and less subjected to parental family domestic care and supervision," and inasmuch as, during the past twelve years, the increase of population has been 31 per cent., that of schools 40 per cent., and that of convicts 61 per cent. Again, it is shown that the United States public school system was established in Pennsylvania in 1834, or only five years after the opening of the State Prison in 1829. But since 1829 the population of the eastern district of Pennsylvania has increased more than 300 per cent., while the increase of prisoners from the same date has been more than 900 per cent. Again, it appears by the reports of the New York Prison Association, that in 1868 there were in the United States thirty-four State Prisons, containing 13,496 convicts. Of these, 71 per cent. were natives of the United States; 77 per cent. had not learned a trade; but only 25 per cent. were unable to read on entering prison. Hence industrial training in habits of honest industry is much more needed than merely intellectual education. Rightly did the Prussian philanthropist, John Falk, exclaim before the legislature of his province, "What in all the world does it profit the State to have thieves who can write, and thieves who can cipher? They are only so much the more dangerous." Here was no

FORMER EFFICIENT PRISON SYSTEM OF PENNSYLVANIA.

At the end of the last century when the common-sense policy of Penn was more thoroughly dominant in Pennsylvania than has since been the case, criminals were much more effectively repressed and far more certainly reformed, than has subsequently been done. The system then pursued in that State was characterised by certainty of conviction, deterrence, restitution, and eminent success as to reformatory results. Prisoners were required to work out in gaol all the costs of their prosecution and maintenance. If refractory, they were secluded in solitary cells, usually for forty-eight hours, without labour ; but the time and cost thus involved was *added* to the amount remaining to be worked off. The strictest order, cleanliness, quiet, and early rising were enforced, and these regulations in themselves constituted a very severe but wholesome punishment to persons previously lazy, dirty, irregular, noisy, and licentious. The food was very coarse and cheap, but sufficient, consisting of a supply *ad libitum*, for breakfast and supper, of "mush," or boiled Indian corn. The dinner consisted of half a pound of bread and a pint of potatoes, three days a week ; on the other days "mush" and potatoes, with the addition, on Sundays, of one pound of good meat, the only day on which animal food was permitted. Thus there was no danger of starvation or cruelty, but certainly no pampering in the matter of diet. No intoxicating drinks were permitted, but only a beverage of molasses and water. All the prison clothing was manufactured by the inmates. The chief industries were carpentering, stone-cutting, weaving, shoe-making, tailoring, nail-making, spinning, preparing logwood, plaster of paris, cotton, flax, and hemp. The several classes of prisoners, in distinct parts of the premises, included those sentenced for short periods and also those confined for life

depreciation of *real* education, viz. religious and industrial, in addition to intellectual. But Prussians generally (and perhaps Americans) have overvalued mere intellect. Yet intellect alone is a poor moraliser. An English M.P., in visiting recently a large Prussian prison, asked the governor if there were many uneducated inmates there. "We have not one," was the reply, "unable to read and write, whilst many of the prisoners are highly educated, knowing for *example* three or four languages."

and for long terms. Many of the prisoners, after working out all their expenses, received on their discharge sums of money; the overplus of the profits of their labour amounting sometimes to forty or fifty dollars—a useful aid for commencing an honest means of livelihood. Long-continued good conduct was rewarded with a remission of a certain portion of the sentence, provided all the imposed restitution had been wrought out. Thus the distinctive features of the *best subsequent* prison systems were *all anticipated* by the Pennsylvanians of the last century, and carried into operation with a success *never since surpassed, if indeed equalled*. Re-convictions were very few, less than 5 per cent., whilst after the regular adoption of this system, in 1791, crime decreased nearly to the extent of two-thirds; murder, burglary, robbery, arson, and rape, having fallen from 126 (in the city and vicinity of Philadelphia) to 24 in the corresponding period, after the inauguration of the above system. So general was the reformation of the criminals that those discharged found little difficulty in obtaining immediate employment, being considered by most persons as not unfit to be trusted or even received into family service. (*Vide* “Turnbull’s Description of the Philadelphia Prison,” Philadelphia, 1796.)

The United States may hence claim the honour of having anticipated, and instructed, Europe in *the best and most successful* mode of criminal treatment. And seeing this is so, it is specially to be hoped that they will vigilantly preserve the wise union of deterrence and reformation, certainty of conviction and humane stringency, which characterised the genuine Pennsylvanian system of a former generation. Undue laxity, unenforced convictions, and unjust advantages to the criminal as compared with the honest labouring poor, will otherwise eventually produce evils almost as cruel to the community, and even to the indulged offender, as the barbarisms of the prison systems before the days of Howard.

RETROGRESSION IN PENNSYLVANIA.

The Massachusetts State Prison Report for 1870 contains some criticisms on the modern Philadelphia Prison, the “Eastern Hill” Prison, which indicate a considerable *retrogression* from the discipline of the last century. It reports prisoners being

confined two and three together in a cell, thus adopting the very contaminating system now abandoned in all the best gaols, and mentions "six or eight ferocious bloodhounds kept for the purpose of patrolling the yard at night." It also complains that "the prisoners' work is either weaving rag-carpets by hand, bottoming chairs, or primitive shoemaking, neither of which is of the slightest value when discharged." The same report compares forty years' prison returns of Pennsylvania and Massachusetts Prisons, as showing a comparison less favourable to Pennsylvania, where the principle of *restitution* is now very slightly acted upon, than to Massachusetts, where the reformatory self-supporting plan is a primary aim.

The self-supporting plan was prominently carried out in the Philadelphia Prison from 1790 till 1825. Eventually its moral advantages were lessened, or entirely counteracted, by a *want of due separation* of the inmates. Hence the adoption of the cellular plan in 1829, since which period industrial habits have been less prominently aimed at than ought to have been the case. Here, again, we see an illustration of the importance of avoiding extremes in any direction, and of maintaining a steady adherence to a combination of all the desiderata of criminal treatment.

Further light is thrown on modern Pennsylvanian retrogression by the annual report for 1870, by W. J. Mullen, Prison Agent, Philadelphia. It quotes the presentment of the grand jury for November, 1869, as stating that in the county prison "the number of prisoners is nearly double the number of cells." Judge Paxson also remarks in his charge, December, 1869, "Crime is rapidly on the increase in this city" (Philadelphia). He adds, "The Philadelphia County Prison, by reason of its overcrowded condition, has become a nursery of crime. Many young persons, sometimes mere boys, charged with the most petty offences, are confined in the untried department, in cells with abandoned and hardened villains. They are there taught every species of vice, crimes which cannot be named." It is a matter of regret and surprise to perceive, by the confession of eminent Pennsylvanians, that that State which was once a light to the world in reference to criminal treatment, has so retrograded even from the first principles of prison discipline, and *has suffered itself* to be far outstripped by Massachusetts, New

York, Maine, Michigan, New Hampshire, Rhode Island, and other States.

THE ENGLISH TENDENCY TO INDISCRIMINATE OR EXTREME
HARSHNESS.

In some countries of Europe, but especially in Great Britain, the systems of criminal treatment have tended usually to an extreme of inconsiderate severity, though it must be admitted that during the past few years much improvement has taken place. Whilst the dangers of undue laxity in the United States appear to have sprung from the influence of ultra democratic immigration on a large scale, importing the mischievous pseudo-philanthropy of Continental Socialism, so different from the shrewd common sense and humanity of American Quaker legislation; on the other hand the ultra severity and often unjust one-sidedness of British criminal treatment may be traced to the exaggerated caste distinctions which are the surviving form of the military feudalism of the Middle Ages. The upper and well-to-do classes are but too slow to recognise that criminality is more commonly a result of miserable antecedents, neglected training, drunken parentage, congenital imbecility, and other similar *pitiab*le causes, which certainly demand, more especially from a Christian people, a very considerate and discriminating application of penal discipline. Much advancement has, however, taken place in England since the days when the late Mr. Clay, the chaplain of Preston Gaol, first raised his voice for a more Christian system; but even now, there is frequent occasion for being reminded of the remark made by his biographer, "Nothing filled him with more anger and disgust, than to hear selfish cowardice crying for indiscriminate vengeance on all sorts and conditions of criminals; as if the comfort and ease of the vocal self-asserting respectability which rides paramount on the surface of society, was altogether to outweigh the rights, temporal and eternal, of the helpless inarticulate mass that lies below." (*Life*, p. 212.) And it is evident from the discouraging speeches of certain persons in prominent positions, some of whom it is the fashion to praise as oracles of wisdom in the treatment of criminals, that these are still very ignorant as to the cheering results which, in various establishments, have followed the adoption of a guardedly humane and reformatory treatment based

on principles of united common sense and Christianity. Here again the tendency of the majority of influential persons in England to undue severity has been chronic. The work just quoted, in speaking (somewhat too sweepingly) of Clay's first efforts, remarks: "Paley, whose works were text-books at our Universities, feared that little was practicable in the reformation of criminals; grave judges, able editors, and popular novelists had endorsed the opinion. On the other side there were only a few simple-minded chaplains, some enthusiastic Christians, and —*the Bible*." (p. 266.) Perhaps few writers have inculcated this "crushing" theory, as it may be termed, so persistently as Carlyle, an author whose teaching has thus been summarised by a great orator: "The strongest, the educated, the powerful, have the right to have the world to themselves, and to absorb the less privileged in their enjoyable career. Carlyle represents that element in modern literature. *Christianity ignores it in its central principle*." The Son of Man came to seek and to save that which was lost. The bruised reed He will not break. The smoking flax He will not quench. Gifts, talents and powers are bestowed by Him in *trust* for the blessing of others besides the recipients.

The writer has no desire to depreciate British institutions, which, as a whole, will compare favourably with those of any other land, in any portion of the world's history. He gladly recognises the successful results of the efforts of such earnest labourers as Romilly, Buxton, Fry, Lushington, Brougham, Russell, Jebb, Mackonochie, Clay, Crofton, Mayhew, Organ, Carpenter, the Hill family, Shaftesbury, Derby, Kelly, Bright, Bowring, Adderley, Teignmouth, Lichfield, Aspland, Hastings, Hanbury, Perry, Turner, Baker, Sturge, Hibbert, Ewart, Gilpin, Fowler, Pearson, and many others, in ameliorating criminal treatment. Nevertheless facts compel the conviction that, amongst a large and influential class of the English people, there is still to be found a spirit of exclusiveness, a selfish inconsiderateness for the less favoured classes, which is far inferior, in nature and degree, to the prevailing temper of American and Continental Christendom.* On some occasions

* CRUELTY IN SOME AMERICAN PRISONS.—While undue laxity and imperfect separation of prisoners appear to be the prevalent weak points of American *gaols*, several of these have become notorious for an extreme of severity, as for example, by the use of certain forms of torture, as prolonged shower-bath-

indeed, as, for example, in the vengeance taken on Indian mutineers by blowing them alive from guns; in the spirit displayed by the widespread adoption of the epithet (meant to be opprobrious, but really most honourable) affixed to the name of one of the best and most prudent vicegerents who ever served the British Crown—"Clemency" Canning—and in the murders of even innocent persons committed by order of certain so-called "courts"-martial in the West Indies, some of the influential classes of Englishmen have displayed a ferocity as truly savage as that of uncivilised barbarians.

At any rate, so much of exclusive harshness remains in the system of English criminal treatment, as to constitute a decided national defect. This is intimately associated with a very prevalent practical disregard (even by many Christian persons) of the great fundamental truth that THE GREATER PORTION OF CRIME IS THE RESULT OF POVERTY AND EARLY PRIVATIONS.

This truth is indeed a radical one, and ought to form a portion of the very basis of all systems of criminal treatment. *The great bulk of crime is the result of privation or misfortune, either in morbid, pitiable, physical conditions, or in defective*

ing, "bucking" (trussing up by the wrists and ankles), screwing iron bars or "crucifixes" to the neck and wrists, &c. But owing to the exertions of the New York Prison Association, and kindred bodies, these practices are fast disappearing, if not already obsolete. The infliction of such punishments at any time has probably been mainly caused by the mischievous practice of allowing the appointments of prison officials to depend upon mere political partisanship, and to be tenable only during the always brief party-tenure of influence. Hence very inferior and unsuitable officers have often crept into American gaols. There are cheering indications that this system also is being gradually abandoned in the States.

FRENCH CONVICT PRISONS.—Humanity and useful industry are characteristics of the management of the chief prisons of France. But the convict establishments are still wretchedly behind the age. M. Corne, an able French writer, in a recent description of the Toulon convicts, says, "They are men demolished. The will is dead in them. Chains every night attach the convict like a ferocious beast to a bar of iron, and even in the hospital are attached to his bed of pain." He also speaks of "the shameful promiscuous night association of the great *ramas*, the horrible and senseless practice of coupling, and corporal punishments for the most trivial offences." (The *ramas* is the immense plank bed, forming a portion of a pontoon bridge on which the convicts sleep. This being somewhat convex, the head of each prisoner inclines downward, a position intolerable to most men. A few, however, are allowed mattresses.) M. Corne continues: "The dietary is altogether insufficient. The solitary vice rages furiously among these men, in whom it is difficult to recognise any remnant of humanity." Another French writer, M. Lauverque, states, that so foul is the condition of the convicts, that in passing "they defile the air with nauseous animal emanations."

mental development. Let any number of prisons be visited, and it will be found that only some 5 per cent., or less, of their inmates belong to the well-to-do, well-educated classes. The great body of them will be found to consist of the poor, the neglected, and the unemployed. "Lest I be poor and steal" is a scriptural motto, which is too painfully illustrated by the experience of all ages and countries. Hence it becomes a simple matter of justice to make criminal treatment reformatory and not merely punitive or deterrent.

Again, there is a widespread view of crime which is exceedingly superficial and one-sided. If a poor man steals a purse, traps a fox, or yields, under a strong temptation, to some petty embezzlement, his character is often persistently blackened for life by the severe social reprobation imposed upon him in addition to his imprisonment. But if a wealthy neighbour seduces some confiding girl, swindles the public on a gigantic scale, or pursues a long career of debauchery, *alias* "gay life," he may, and in innumerable instances does, escape all consequences, either legally penal or even socially stringent.* The eminent William Wilberforce, in his "Practical View of Christianity" (chapter 3, section 5), exposes this still prevalent injustice with much force, and observes of the social displeasure so arbitrarily directed against offences not at all more heinous than those which fashionable society smiles upon: "These slight notions of the guilt and evil of sin discover an utter want of all suitable reverence for the Divine Majesty."

Further, there is perhaps no nation of Christendom, except Great Britain, where this want of merciful consideration is so frequently manifested in another way. If, perchance, a person capitally convicted is hung, and it is discovered, too late, either that he was innocent or insane, or that there was substantial reason for presuming him to be so, there is comparatively little regret expressed at the event. But whenever a Home Secretary, however cautious and worthy of reliance, shows a dis-

* A reliable correspondent of an English journal mentions a recent instance where, on a magistrate enforcing the new "Contagious Diseases Act," a girl who was committed to prison said, "It did seem hard, ma'am, that the magistrate on the bench, who gave the casting vote for my imprisonment, was one who had, a few days before, given me several shillings to go with him for an immoral purpose."

position to recommend the exercise of the Royal prerogative of mercy, even on the almost imperative grounds of proved innocence, there arises, nearly without exception, a howl of indignation from a thoughtless, heartless crowd, sufficiently influential to command, hitherto, almost exclusive admission to the columns of the "leading journal" on such occasions. Sad to say, clergymen and ministers are often by no means the least forward of these clamourers. Recently one such a storm of outcry was raised when it appeared likely that a reprieve might be issued to two men sentenced to death in Somersetshire. The Home Secretary, Mr. Bruce, disregarded the savage protests and thoroughly re-investigated the case. It was eventually proved that, to use his own words in Parliament, "it was beyond all question that the one was an innocent man. It was equally certain that the other was insane." On such occasions, those who ask for a considerate examination of all the circumstances of the case, are usually sneered at as "sentimental humanitarians," and most often by those who themselves never lift a finger to promote *that real humanity which consists in an equitable union of mercy with justice*. The sneerers at every form of humanity may remember that ferocity is by no means essential to, or even indicative of, true strength and manliness; it is proverbially a characteristic of degraded and slavish minds. The peculiarly ferocious period of Roman history was the time when the nation had become most effeminate and was about to succumb to almost every foreign assault. On the other hand, in modern times the United States, in the plenitude of power and victory over a crushed confederacy, nobly refused to execute any of its enemies, thus evincing a magnanimous consciousness of strength.

INSANITY AND CRIME.

That *most crime is the result of privation or misfortune* is proved not merely by the universal preponderance of poor persons in gaols and penitentiaries, but in an equally striking manner by observations and investigations in reference to the prevalence of insanity amongst criminals. Again, it is proved that insanity and poverty are very often mutually connected in the relations of cause and effect. The progress of psychological and medical science of late years has given greatly additional

support to the claim for humane consideration which is based on this aspect of the question. And it is important to bear in mind that the plea of insanity, in this special bearing, is not merely, or mainly, to be urged on the ground of eccentricities and individual peculiarities which are compatible with the ordinary and responsible citizenship, but chiefly from the evidence of *morbid physical symptoms* and *bodily deficiencies*. It is this union of bodily and mental imperfection which constitutes at once the surest test of pitiable disease and the most reasonable and reliable security against false or suspicious allegations of irresponsibility. Yet such a union is so frequent a characteristic of the inmates of prisons as to be a constant subject of comment in the reports issued by the medical and other officials. The following statements are but a few out of many similar ones:—

Dr. Thompson, resident surgeon of the General Convict Prison for Scotland, at Perth, states, in a paper on "The Hereditary nature of Crime," issued in 1870: "The writer has visited the great prisons of England, Ireland, and Scotland; and in all these the authorities, governors, chaplains, surgeons, and warders, concur in stating that prisoners, as a class, are of mean and defective intellect, generally stupid, and many of them weak-minded and imbecile." He also says: "Intimate and daily experience, for many years, among criminals, has led me to the conviction that, *in by far the greater proportion of offences, crime is hereditary.*" He adds that this hereditary or congenital tendency is in most cases associated with some *bodily* defect, "such as spinal deformities, stammering, imperfect organs of speech, club-foot, cleft-palate, hare-lip, deafness, congenital blindness, paralysis, epilepsy, and scrofula."

The juvenile criminals at Parkhurst have been reported by the Government inspector as "deficient in physical organisation—a large number weak in *body* and mind."

At the Exeter meeting of the British Association, 1869, Dr. Wilson read a paper on "The moral imbecility of habitual criminals as exemplified by cranial measurements." He reported that he had examined and measured about 460 heads of such persons, and from the observations he had made he had no doubt that habitual criminals were cranially deficient, especially in the anterior lobes of the brain. He says: "The cranial deficiency is also associated with a *real physical deterioration.*"

40 per cent. of all the convicts are invalids, more or less ; and that percentage is largely increased in the professional thief-class."

Dr. William Guy, Secretary of the London Statistical Society, and Physician to Millbank Prison, one of the most competent authorities on such a question, has tabulated the "Judicial Statistics" for thirty years. He arrives at the following conclusion—that "the criminal population contains a much larger proportion of insane members than the community at large ;" and says (in 1869), "We have at this moment within the walls of Millbank Prison upwards of 200 convicts so unsound in mind as to be deemed fit occupants of special wards, and yet not deemed quite fit for the lunatic asylum." But he remarks : "The lunatic asylum is not only their proper place, but would be a truly *economical* substitute, in a large number of cases, for the workhouse, the hospital, and the prison."*

In respect to criminal lunacy, English law has not kept pace with the advance of medical and psychological science. The views implied by the statute-book on this subject are akin to the ignorant ideas of the ages which believed in witchcraft and astrology. Even eminent British jurists continue to display astonishing ignorance on this point. For example, Lord Chancellor Westbury protested in the House of Lords against "the evil habit which has grown up of assuming that insanity is a physical disease," and deprecated the opinion "that a man should have studied the subject of insanity in order to form a conclusion whether a man is, or is not, a lunatic." Why did not his lordship also deprecate the opinion that a lawyer should study law or a sailor navigation ? Dr. Maudesley remarks : "It may well be doubted whether a Lord Chancellor ever before gave utterance to so erroneous and unfortunate an opinion." English law

* In a recent visit to an English convict prison, the writer was most painfully impressed with the imbecile wards, having the walls padded four or five feet high with thick matting, to prevent the wretched inmates from dashing their heads against the stone-work. On contemplating these men, the thought again and again recurred—Well, it is only by what some would call sheer accident, and others providential exemption, that I am not one of these. If my skull had been shaped as theirs, or had I been brought up amid their privations, here I should in all probability be, as a convicted criminal. Then ought these men to be regarded as if they were merely to be treated as so many unimproveable, hateful beasts, and also as much morally responsible as their more favoured fellow-creatures ?

assumes that there is no real insanity in cases where a criminal knows the nature and consequences of his actions. It takes no cognisance of the absence of ability to restrain those actions. Yet in fact the government of every lunatic asylum is based upon the idea that the inmates can distinguish between right and wrong, and observe rules accordingly, although unquestionably insane.

The physical aspects of convicts have become almost proverbial. Bullet heads, low brows, projecting ears, weasel eyes, and other bodily indications of deficiency, are but too general amongst them. And in the case of some of the most ferocious criminals there have repeatedly been discovered, after death, morbid conditions of the brain or other organs, in the shape of tumours, cancers, ulcerations, or irritating secretions, which have fully accounted for mental or moral defects. Hence there is reason to believe that some of the most horrible murders that have been committed may have been the result of concealed physical causes or previously unsuspected latent madness. Such persons should be treated as madmen, and confined safely for life. Not even to gratify popular vengeance against such should the capital penalty be retained, inasmuch as that penalty, *incomparably more than any other*, promotes the escape of the guilty and ensures an excessive *irregularity* of punishment, *most mischievous and dangerous to the general security of life*, and most counteractive to deterrence.

Poverty alone, with its involved or concomitant privations, is an active cause of a large amount of physical disease, morbid bodily conformations, and transmitted tendencies to vice and insanity. Its effect on the body is strikingly shown by an illustration adduced by Dr. Pritchard, the author of "The Physical History of Mankind." The conflicts in Ireland in the seventeenth century drove many of the natives into the mountains of Sligo and Mayo. "Here they have been, almost ever since, exposed to the worst effects of hunger and ignorance, the two great brutalisers of the human race, gradually producing, in their case, open projecting mouths with prominent teeth and exposed gums. Their advancing cheek-bones and depressed noses bear barbarism in their very front. Five feet two inches on an average, pot-bellied, bow-logged, abortively featured, these *spectres of a people that were once well-grown, able-bodied, and*

comely, stalk abroad ; whilst in other parts of Ireland, where the population has never undergone the influence of the same causes of physical degradation, it is well known that the same race furnish the most perfect specimens of human beauty and vigour, both mental and bodily."

The crushing burdens of poverty, its harassing anxieties, the protracted struggle for a bare existence, the influences of squalid filthy dwellings, driving their inmates to pot-houses and gin-shops and drunkenness, in turn perpetuating squalor and penury, produce in innumerable cases a prostration of body and mind, a hopelessness and despair, which become confirmed habits, and then, to a large extent, are transmitted as hereditary misfortunes intimately associated with imbecility, insanity, and crime.

In 1854 the Legislature of Massachusetts appointed a Commission on Insanity. They reported : " We find that the pauper class furnishes, in the ratio of its numbers, sixty-four times as many cases of insanity as the independent class." The *Pall Mall Gazette* of April 11, 1870, remarks as to insanity in Great Britain : " The increase of lunacy is not to be found among educated men, *but is to be traced almost wholly to the pauper class*. In proof of this, it is enough to state that in the five years ending January 1, 1867, the increase of private patients in asylums was 36, while the increase of pauper lunatics during the same period was 5,049." Dr. William Guy, after proving the prevalence of insanity amongst convicts, proceeds to say : " Convicts though much more liable to insanity than the general population of which they form a part, are much less liable to it than the young and middle-aged adults among the inmates of our workhouses."

But insanity tends, beyond almost every other form of disease, to perpetuate itself by *hereditary* continuation. Dr. Maudesley, in his " Physiology of the Mind," says : " The more exact and scrupulous the researches made, the more distinctly is displayed the influence of hereditary taint in the production of insanity. The proportion is put by some authors, as Moreau, as high as nine-tenths, by others as low as one-tenth ; *the most careful researches agreeing to fix it as not lower than one-fourth, if not so high as one-half.*"

The Duke of Argyll, in his admirable work, " The Reign

of Law," remarks, in connection with hereditary influences : "Orphans, who have never had any opportunities of acquiring by imitation the peculiarities of their parents, will often nevertheless reproduce these peculiarities with curious exactness. This is a familiar fact ; and *how much this fact implies !* Even when the inheritance is merely some congenital habit of body, or some trick of manner, it may probably imply some resemblance deeper than appears. For the body and mind are in such close relationship that congenital habits of body are sure to be connected with congenital habits of mind. But we forget how often these laws of inheritance must be working invisibly where they never break ground upon the surface. And thus it is brought home to us, how the mind may be subject to laws of which it is unconscious, how its whole habit of thought and the aspect in which different questions present themselves to its apprehension are in a great measure determined by the mysterious forces of congenital constitution." (p. 300.) How many a criminal career, and how many a sudden outburst of violent crime, in persons whose previous conduct has been decorous, may have originated in these "mysterious forces of congenital constitution" !

From the incontrovertibly close connection of poverty with insanity, and of insanity with crime, it is a manifest conclusion that justice must be tempered with a very considerate mercy and careful discrimination with regard to the inmates of prisons and penitentiary institutions. Hence, too, the injustice, not to say cruelty, of punishing such with penalties calculated—and, as experience shows, often very erroneously calculated—merely to deter. It would be as just to punish blind and lame men for their inability (through the visitation of God) to perform the functions of perfectly constituted persons, as to inflict on insane or hereditarily weak-minded criminals further restrictions *than may be necessary to secure society from being injured by them ;* and whilst these restrictions are made use of, ameliorative or restrictive influences become a bounden duty, instead of being, as they are too often termed, mere "sentimental humanitarianism."

Dr. Prosper Despinès (in his comprehensive work, "Psychologie Naturelle," 3 vols., Paris, 1869), after a study of criminals for many years, states that, in the case of most of the more violent crimes, their perpetrators are, as a class, observed to manifest a natural *privation of the moral sense*, indicated gene-

rally by a total deadness of conscience *before* the commission of crime and a complete absence of remorse *after* it. This condition is also generally associated with great indifference to punishment, even to the infliction of death. A writer in the *Edinburgh Medical Journal* (April, 1870), remarks, in reference to this absence of the moral sense: "Of thousands of habitual thieves, we have never known, in a single case, any remorse. Of the criminal lunatics of Scotland who have committed murder and become sane, we could never learn but of one who showed contrition." Dr. Despines unites with other observers of criminals in largely attributing this apathy to congenital causes, and especially to defective organisation of the brain and nervous system. He considers that merely deterrent punishments are unjust and inefficacious as to this class. Society must be carefully protected from them. They must be confined for all their lifetime if necessary. But they must not be vindictively punished for not possessing faculties which God has not bestowed on them. Experience has shown that much may be done towards *implanting* and developing moral feelings, even in such persons, by means of reformatory and industrial influences. And amongst those who have been thus reformed, have sometimes been persons comparable to mere brutes and beasts, so far as their characters had previously been constituted by congenital influence and by the wretchedness of their poverty, ignorance, squalor, and vicious training.

There is abundant testimony of prison officials that criminals justly require a considerate and discriminative treatment. Mr. R. M. Gover, medical officer of Millbank Prison, reported in 1868, that out of 943 convicts there, 34 were insane, 218 were "weak-minded," in addition to which there were many epileptics. He added: "I do not concur in the opinion which is entertained by some, that invalid convicts have in most cases disqualified themselves for hard labour by indulgence in vicious and irregular habits previous to imprisonment. On the contrary it appears to me *that the great majority* of these prisoners are either men of *originally feeble constitution*, or the subject of diseases and infirmities which have been contracted *through circumstances over which they have had no control*."

These circumstances are mainly connected with poverty, privation, and their usual accompaniments—wretched dwellings,

neglected childhood, early disease, orphanhood, training amid filth and vice, and so forth. As to dwellings alone, how suggestive are the statistics of large cities. For example, in the better parts of Glasgow the inhabitants only average 34 per acre, and in those parts the annual death-rate is 5 per 1,000. In the squalid parts (not the worst) the average is 328 per acre, and the death-rate 34 per 1,000. That is, 29 persons per 1,000 die annually from the mere difference of habitation. In Edinburgh the death-rate in the worst parts is 60 per 1,000; that is, 55 per 1,000 die in consequence of their poverty. How much disease, temptation, insanity and crime are here involved in addition to the deaths! How loud the call for treating the faults of such a population with a firmly reformatory, humanely elevating system, whilst at the same time the preventive agencies of temperance, economy, self-help, education, and improved dwellings are also requisite.*

The writer has repeatedly had occasion to observe with pleasure that prison officers, from their habitual observation of the mental weakness and congenital deficiencies of many of the criminal class, are often amongst the most truly humane and considerate of persons. Amongst these officers are to be found some of the strongest advocates for the system of reformatory punishment on the basis of *restitution* and of sentences sufficiently long (in cases of repeated crime) to form really established habits of useful and virtuous citizenship.†

THE SEPARATE SYSTEM.

The separation of prisoners totally by night in individual cells, and by day, so far as is practicable, by means of silence, is a *sine quâ non* of efficient prison discipline. This, at any rate, is

* CRIME CAPITALISTS.—Another urgently needed means of preventing crime is increased severity towards "crime capitalists," the villanous, and often comparatively wealthy, receivers of stolen goods, many of whom, with impunity, use simpler-minded criminals as "cats'-paws," secure nearly all the booty, and escape scot free.

† INDUSTRIAL TREATMENT OF THE INSANE.—Not only is useful industry a reformatory discipline for the ordinary idle criminal, but it has been found to be most salutary in its effects on persons wholly or partially insane. At Gheel, near Antwerp, where industry and individualisation have been, for more than a century, made the chief features of the treatment of the insane, greater success in the way of results has followed than at any other lunatic establish-

a fixed principle, admitted to be such after ample inquiry by parliamentary committees and missions of investigation. Yet, like other fixed principles, it must be adopted apart from "the falsehood of extremes." Separation, total, by night and day, speedily produces madness or imbecility, or at best renders the mind morbid and flabby. Of Mr. Clay, the prison chaplain, we are told that "he was keenly alive to the fact that isolation was as likely to arouse *vicious* as to foster wholesome thought. All that he asked therefore for separation was, that it should be sufficient to guarantee the prisoners from mutual corruption and make them think. He shrank from the idea of ministering the Gospel among men languid and listless with the dreary monotony of the cell, or perhaps trembling on the verge of insanity." The value of the English Prison Act of 1865 (and of Sir Walter Crofton's labours) mainly consists in the enforcement of total separation by night, in distinct cells. (It is to be wished that that Act had not unduly impeded useful labour by certain other less wise provisions.) The main source of Pennsylvanian retrogression in prison discipline has been a departure from previous adherence to due separation, and a relapse into the system of placing several men in each cell by night and day. The working of criminals in large gangs by day is also the weakest point of the English convict system. Grave evils have resulted from this, especially at Chatham. Due separation must not be sacrificed even for any amount of pecuniary profit. Yet it is important to remember that it is congregate *idleness*, rather than congregate industry, that is demoralising. Apart from useful industry all other arrangements fail. And even under a congregate system, by day, largely reformatory results have been found to accompany sustained hard labour of a nature really useful to the criminal on his discharge. The motto "*medio tutissimus ibis*" should ever accompany the combination of separation with day industry. Idleness is the chief evil to be avoided, whether in isolation or in silent companionship. But total cellular separation by night, at whatever cost, is absolutely indispensable for any efficient criminal treatment.

ment in the world. And in proportion as the Gheel principles have been approximated to elsewhere, satisfactory consequences have ensued. (At Gheel the insane are distributed in some 600 separate families, and not massed in gigantic establishments such as Hanwell and Colney Hatch Asylums, near London.)

THE TREAD-WHEEL, CRANK, AND SHOT-DRILL.

“ Behold the human squirrels ! round and round
 Tramping the never-ending cylinder ;
 The ‘ incorrigible rogues,’ that wise men send
 To houses of *correction*, there to learn
 That *labour* is, in very deed, a *curse* ! ”

These occupations, of a merely penal nature, are encouraged (if not enforced) by the English Prison Act of 1865, notwithstanding the strongly unfavourable opinion of many experienced prison governors and magistrates as to their tendency. The sole argument for their application is the necessity for making gaol employment disagreeable. But this object has been found fully attainable by means of useful task-work, and by the prisoners being made to earn a considerable proportion of the expenses of their own punishment. But whilst they are employed at the tread-wheel, or shot-drill, they have a vicious satisfaction in feeling that, in addition to the crimes by which they have injured society, they are punishing the honest ratepayer by making him pay for their maintenance instead of being obliged to support themselves. It is a most salutary part of punishment to compel the offender to find the cost of his own chastisement. “ Do you mean to say I have earned so much towards your salary ? ” exclaimed a prisoner lately to a governor who had enforced remunerative occupation. “ Yes, you have earned for the gaol nearly double the cost of your keep. ” “ Then you shall never see me here again, ” was the reply. And he has kept his word. The only real use of the tread-wheel is as a *reserve* punishment for men who refuse to perform their tasks of more remunerative occupation. But even in such cases it has been found that a day or two in a dark cell on low diet is quite as effectual for bringing refractory prisoners to reason ; and the latter punishment does not involve an outlay of £1,000 or £1,500, as the tread-wheel does, with at best a very dubious return. Further, the tread-wheel is an unequal punishment. Some of the practised “ gaol-birds, ” and the more ruffianly ones, find it comparatively easy ; whilst the weaker prisoners incur the risk of ruptures and other injuries (sometimes lifelong) in consequence. The chaplain of a large English gaol has recently reported a

dozen such cases of injury from the wheel to visiting justices who had reported favourably of its use in that prison. The large number of men exempted by prison surgeons from the wheel proves its danger and unfair application. For instance, at Liverpool Gaol, out of 2,565 males during the year, 399 are reported by the surgeon as unable to undergo the tread-wheel, in addition to 542 youths exempted by reason of their age. Again, at Coldbath Fields Prison, London, the magistrates recently reported that "more than 25 per cent. of the prisoners are excused the wheel by order of the surgeon." So large a proportion of exceptions proves a very dangerous rule. *No surgeon whatever can administer such a rule with safety to hundreds of prisoners.**

HOMICIDAL INSANITY, MEDICAL EVIDENCE, AND CAPITAL PUNISHMENT.

The connection of insanity with homicide is so peculiarly frequent as to call for the utmost care in assuming a rational responsibility in such cases. All homicidal crime, whether by insane or sane persons, should involve the lasting separation of the murderer from society, for life in most cases, and in some instances for a term of years sufficiently long to make full proof of cure or repentance—as for example, twenty or thirty years. Again, the determination of insanity, in all instances where the plea is raised in criminal courts, should be taken out of the hands of *privately-paid* medical men, and entrusted to the decision of experts, commissioned and only paid *by Government*, as in France and some other countries. Dr. Guy's thirty years' comparison of judicial statistics shows that the criminals acquitted or detained as insane are $14\frac{1}{2}$ per cent. (1 in 7) in murder cases, $2\frac{1}{2}$ per cent. for attempts at murder, and only $\frac{1}{3}$ per cent. for all crimes in general. Hence the peculiar claim for great

* INFERIORITY OF THE TREAD-WHEEL AS A DETERRENT OCCUPATION.—In some prisons the hard tasks, of useful weaving are found to be more deterrent than the tread-wheel, in addition to the advantage of superior utility. For example, at Gloucester Gaol, a prisoner recently begged the governor to allow him to go back from the heavy loom to the tread-wheel as a pleasanter occupation. Mr. Edwards, the governor of Devonport Gaol (one of the best in England), also informs the writer that scarcely a day passes in which he is not importuned by half a dozen prisoners to allow them to work at the crank, shot-drill, or tread-wheel, in preference to useful but hard task-work in their cells. He sometimes permits crank, &c., as a favour!

discrimination, even in circumstances where terrible and appalling violence may have been committed by some victim of subtle though real insanity. In every such case it is simple justice to isolate the dangerous person from society ; but it is the height of injustice to add any cruel treatment, or to punish with the deprivation of life the subject of God's afflicting hand, through a permanent or temporal loss of reason and self-control.

Innumerable facts indicate the peculiar connection between homicidal or suicidal acts and insanity. Murders and suicides are often observed to take a partially epidemic form. Dr. Winslow mentions, for example, the case of a man who hung himself on one of the doors of the corridor of the Hotel des Invalides, Paris. No suicide had occurred in the establishment for two years previously ; but, in the succeeding *fortnight*, *five inmates* hung themselves on the same cross-bar, and the governor was obliged to shut up the passage. Similarly, it has often been noticed that executions have been immediately followed by an *unusual "crop" of murders*. For example, in 1870, shortly after the execution of Tropmann at Paris for a peculiarly atrocious murder, several similar cases of wholesale slaughter occurred, including the sevenfold murder at Uxbridge. Similarly, in 1867, the execution of three Fenians at Manchester, a step urged upon the Government as "a necessity for the suppression of Fenianism," was followed *within three weeks* by the abominable Fenian explosion at Clerkenwell, which sacrificed many lives. Further, those executions gave rise immediately to a far more rampant and general outbreak of disloyalty than had previously been manifested, including monster processions of sympathisers in the largest cities of the kingdom. Mr. Frederic Hill, in his work on "Crime," says : "Let those who defend capital punishment on the ground of the necessity for striking examples, consider this question—suppose an execution to take place in the yard of a lunatic asylum, with all the inmates assembled to witness it ; would such a spectacle be likely to have a deterring effect on the homicidal lunatics, and thereby render the lives of the officers more secure ? On the contrary, would not the desire to shed blood be strongly excited, and would not every officer's life be at once placed in great jeopardy ? *Yet, those best acquainted with the subject know that between lunatics and criminals the difference is often but slight.*"

PRISON DIETARIES.

One word as to prison diet. Whilst in some of the American prisons this has been rendered too indulgent, there is, or was recently, in some English prisons a tendency to the opposite extreme. A number of inquests in one or two metropolitan gaols, two years ago, excited considerable attention to this subject. One jury at Coldbath Fields Prison stated in their verdict that "the diet given to the prisoners is insufficient for health." The surgeon of the same prison reported in 1868 that the food was "barely sufficient," and that he had been obliged to allow 1,975 prisoners extra diet beyond that permitted by the rules. A witness at a prison inquest remarked, "They say that imprisonment now is simply killing them;" and a discharged convict informed the writer a few weeks ago that at one of the English prisons he had gladly eaten raw herring-heads thrown on a rubbish heap. A writer in the *Morning Advertiser*, February 6, 1869, said of convict life, "I proclaim it to be a life of starvation and misery. Are the public aware that at Chatham hundreds of prisoners have been driven, by extreme hunger, to eat such quantities of candles and Russian tallow that the authorities have had some substance mixed with the tallow of a taste so nauseous that the prisoners cannot keep it on their stomachs?" A Yorkshire magistrate also informs the writer that he recently visited another convict prison in this country where a respectable person (not a prisoner) expressed to him his deep pain at having had to attend a number of inquests on prisoners whose corpses exhibited extreme emaciation. Some of these statements may have related to exceptional cases, but they plainly indicate a danger of excessive harshness. An indisputable but very suggestive acknowledgment was made by the chairman of Convict Prisons in England in his annual report for 1866, where it is stated that of the life-prisoners "*nearly 63 per cent. are confirmed invalids*, many of them paralysed and bedridden."

It is admitted by medical men that prisoners (especially in gaols on a clay soil) require more nourishing food than would support life under ordinary circumstances of freedom. Hence

the punishment (except for short-term prisoners) should be mainly inflicted by enforced restitution, by means of tasks of useful hard labour; and the quantity and quality of food might, in some degree, justly be made contingent on the value of the work done. But it will not render prisons attractive, even if their inmates are well fed, so long as, by useful but disagreeable habits of hard work, early rising, silence, and enforced cleanliness, all previous bad habits are rigorously thwarted, and a laborious compensation exacted in the way of self-support and restitution.

PRACTICABILITY OF REFORMING CRIMINALS.

Many fallacious opinions, as to the practicability of reforming criminals, exist even amongst persons from whom better acquaintance with the subject might be expected. Lord Carnarvon, for example, has recently expressed his incredulity on this point. But, on the other hand, Lord Harrowby, Lord Derby, Lord Lichfield, and other noblemen, actively experienced in aid to discharged prisoners, have shown, not by mere opinions, but by abundant facts, the constant and large actuality of reformation which may be effected. Thus Lord Harrowby, at a recent meeting of the Stafford Discharged Prisoners' Aid Association, said: "During the past four years the agent to the Society has recommended for employment 350 discharged prisoners, and of that number only one has robbed his employer. Had that happened in the case of 350 unconvicted persons, it would have been accepted as a testimony to the virtue of the entire body; but applying to 350 persons who have been convicted of crime, it is a remarkable circumstance and *shows that those who have once passed through gaols are not such hopeless objects as is generally supposed.*" (It may be mentioned that at Stafford Gaol special efforts are made to inculcate useful industrial habits.) Again, at Knutsford Gaol, in Cheshire, it used to be the custom to employ the prisoners at remunerative labour, and to allow them one-sixth of the profits as a fund for aid on discharge, or for the support of their families. The money was placed in the hands of the police superintendents or churchwardens. The governor reported that *very few prisoners who earned much money under this rule ever returned to prison.* But the rule has been

abolished under an Act of Parliament. In reference to a similar order by the Home Secretary in 1862, limiting the gratuities earnable by convicts, an experienced Lancashire magistrate, Mr. A. Aspland, writes: "This was probably the most unwise order that was ever issued, as the inevitable result is the retention of a highly dangerous class entirely in this country." The extensive facility of emigration afforded to Irish convicts is found to be most beneficial, and, indeed, constitutes the *primary and characteristic source of the diminution of convicts in Ireland*, and of their ultimate restoration to honest industry.

Mr. T. B. Ll. Baker, of Gloucester, has for many years advocated the industrial treatment of ordinary prisoners, at least during the latter portion of their detention, in agricultural or manufacturing establishments, which he would term "*adult reformatories*." He argues that as similar reformatories for youths, under the management of private individuals or associations, responsible to the Home Secretary, have resulted in a great diminution of juvenile crime, satisfactory consequences would also ensue if the same principle were extended to the better class of adult prisoners. No new Act of Parliament is needed to carry out this view. The Home Secretary could declare any such establishment a prison. Nor would further grants of money be needed. The success of the prison farm at Lusk, Ireland, so admirably managed by the late Mr. J. P. Organ, points to the desirability of largely increasing the number of such institutions. But hitherto it has scarcely been imitated, except on the Continent of Europe, as in France, Belgium, &c.*

CONCLUSION.

In conclusion it may be repeated that, whilst the deterrence of criminals is a principle justified by necessity and warranted by Scripture, within due limits, and whilst justice to the virtuous and peaceable citizen requires the treatment of the evil-doer to

* **TEST OF REFORMATION.**—Such prison farms and adult reformatories would afford a much better means of testing the better class of prisoners before discharge than in ordinary gaols. It has been remarked, "It is the want of a guaranty of a prisoner's reformation that, on his discharge, builds a wall of granite between him and opportunities of earning honest bread. This trial stage is an *essential* part of a reformatory prison system."

be really a punitory one, yet the great, and, it may be truly said, the overwhelming, proportion of poor, ignorant, neglected, and physically or mentally defective persons, in the ranks of offenders, demands much more practical consideration from the framers and administrators of the law than it has hitherto, for the most part, received.

It is not given to the wisest human judge to pierce the motives and weigh the temptations of the erring. Whilst seeing the effects of dominant evil, he, in general, "knows not what's resisted," nor can he measure the real amount of extenuation. Hence, whilst inflicting penalties which ought to be "a terror to evil-doers," two other duties are equally to be borne in mind: firstly, to restore the offender to liberty, with really *altered habits*; and, secondly, to render to society some, if not complete, amends for the injury which it has sustained. Happily these two results are not merely compatible with deterrence and prevention, but are, when most efficiently administered, *the very best forms of securing these important objects.*





